

AMENDED IN ASSEMBLY MAY 23, 2014
AMENDED IN ASSEMBLY SEPTEMBER 6, 2013
AMENDED IN ASSEMBLY SEPTEMBER 3, 2013
AMENDED IN ASSEMBLY AUGUST 15, 2013
AMENDED IN ASSEMBLY AUGUST 6, 2013
AMENDED IN ASSEMBLY JUNE 27, 2013
AMENDED IN SENATE MAY 24, 2013
AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 570

Introduced by Senator DeSaulnier

February 22, 2013

An act to add ~~Division 10.11 (commencing with Section 11999.40)~~
~~to Part 4 (commencing with Section 11975.10) to Division 10.5 of the~~
Health and Safety Code, relating to alcohol and ~~other~~ drug counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, DeSaulnier. ~~Alcohol and other drug counselors.~~
Advanced Alcohol and Drug Licensing Act.

Existing law provides for the registration, certification, and licensure of various healing arts professionals. Existing law provides for various programs to eliminate alcohol and drug abuse, and states the finding of the Legislature that state government has an affirmative role in alleviating problems related to the inappropriate use of alcoholic beverages and other drug use.

This bill would establish licensure and registration provisions relating to advanced alcohol and drug counselors and advanced alcohol and drug counselor interns, respectively, to be administered by the newly created Advanced Alcohol and Drug Counselor Licensing Board within the Department of Health Care Services, and would authorize the board to commence issuing these licenses and registrations on January 1, 2016. The bill would make it a misdemeanor for a person to style himself or herself or to hold himself or herself out to be a licensed advanced alcohol and drug counselor or advanced alcohol and drug counselor intern, without holding a license or registration in good standing under these provisions, and commencing on January 1, 2017, it would be unlawful for a person to engage in the practice of alcohol and drug counseling outside of a licensed or certified alcohol and drug treatment facility, unless at the time of so doing, the person holds a valid, unexpired, and unrevoked license or registration under these provisions. Because the bill would create a new crime, it would impose a state-mandated local program.

This bill would authorize the board to assess related fees and penalties to be deposited into the Advanced Alcohol and Drug Counselors License Fund available, upon appropriation by the Legislature, to the board for the purposes of supporting licensing and registration activities. The bill would set various licensing and registration fees, until the board establishes different fees by regulation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would require the State Department of Health Care Services, commencing January 1, 2015, to require each person who applies to an approved certifying organization, as defined, to become registered or certified as an alcohol or other drug counselor (AOD counselor) or any AOD counselor who is registered or certified as of January 1, 2015, to obtain a criminal background check, as specified. The bill would require the State Department of Health Care Services to submit to the Department of Justice fingerprint images and related information for the purpose of obtaining information as to the existence of past criminal conduct, as specified. The bill would require the Department of Justice to obtain specified information from the Federal Bureau of Investigation~~

with respect to an applicant's or AOD counselor's past criminal conduct, and to provide this information to the State Department of Health Care Services. The bill would require the Department of Justice to charge a reasonable fee to an individual obtaining a criminal background check, sufficient to cover the cost of processing the criminal background check request. The bill would require the State Department of Health Care Services to establish a reasonable application fee, sufficient to cover the department's actual reasonable administrative costs in implementing the provisions of the bill, to be charged to the certifying organization for each applicant or AOD counselor requesting a background check. The bill would require the fees to be deposited into the Alcohol and Other Drug Counselor Professions Fund, which would be created by the bill. The bill would require the fund to be administered by the State Department of Health Care Services, and would make moneys in the fund available, upon appropriation, for purposes of administering the provisions of the bill. The bill would require the State Department of Health Care Services, by September 1, 2014, to adopt regulations to implement the provisions of the bill, as specified. The bill would require the department and approved certifying organizations to share specified information.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Part 4 (commencing with Section 11975.10) is
2 added to Division 10.5 of the Health and Safety Code, to read:

3
4 PART 4. ADVANCED ALCOHOL AND DRUG COUNSELOR
5 LICENSING AND ADVANCED ALCOHOL AND DRUG
6 COUNSELOR INTERN REGISTRATION

7
8 CHAPTER 1. GENERAL PROVISIONS

9
10 11975.10. (a) This part shall be known, and may be cited, as
11 the Advanced Alcohol and Drug Counselor Licensing Act.

12 (b) This part shall be liberally construed to achieve its
13 objectives.

14 11975.13. For purposes of this part, the definitions apply:

1 (a) “Advanced alcohol and drug counselor intern” or “AADCI”
2 means an unlicensed person who has fulfilled the testing and
3 education requirements in Section 11975.40 to become licensed,
4 who is seeking to meet the supervised experience requirements of
5 this part, and is registered with the board for this purpose.

6 (b) “Advertise” includes, but is not limited to, the issuance of
7 any card, sign, or device to any person, or the causing, permitting,
8 or allowing of any sign or marking on or in any building or
9 structure, or in any newspaper or magazine or in any directory,
10 or any printed matter, with or without any limiting qualification.
11 It also includes business solicitations communicated by radio or
12 television broadcasting, the Internet, or any other electronic
13 medium.

14 (c) “Board” means the Advanced Alcohol and Drug Counselor
15 Licensing Board.

16 (d) “Clinical supervision” means the ongoing process in which
17 the supervisor participates with one or more supervisees to ensure
18 high quality service delivery across domains of alcohol and drug
19 counselor development, professional and ethical standards,
20 program development, quality assurance, performance evaluation,
21 and administration.

22 (e) “Department” means the Department of Health Care
23 Services.

24 (f) “Director” means the Director of the Department of Health
25 Care Services.

26 (g) “Independent counseling practice” means an individual or
27 individuals who are licensed pursuant to terms of this part to
28 engage in the practice of alcohol and drug counseling, as defined
29 in section 11975.50, in a setting outside of a licensed or certified
30 facility.

31 (h) “Licensed advanced alcohol and drug counselor” or
32 “LAADC” means a person licensed by the board pursuant to
33 Section 11975.43 or 11975.45 to practice alcohol and drug
34 counseling, who may provide clinical supervision to registered
35 interns in the State of California, and who may maintain an
36 independent alcohol and drug counseling practice outside of a
37 program licensed or certified by the state to provide alcohol and
38 drug treatment services.

39 (i) “Student” means an unlicensed person who is currently
40 enrolled in a master’s or doctorate degree program, as specified

1 in paragraph (1) of subdivision (a) of Section 11975.45, that is
2 designed to qualify him or her for licensure under this part.

3
4 *CHAPTER 2. THE ADVANCED ALCOHOL AND DRUG COUNSELOR*
5 *LICENSING BOARD*
6

7 11975.20. (a) There is in the Department of Health Care
8 Services, the Advanced Alcohol and Drug Counselor Licensing
9 Board that consists of the following members:

10 (1) Five state licensed advanced alcohol and drug counselors.

11 (2) Six public members.

12 (b) Each member, except the six public members, shall have at
13 least two years of experience in his or her profession.

14 (c) Each member shall reside in the State of California.

15 (d) (1) The Governor shall appoint four of the public members
16 and the five licensed members with the advice and consent of the
17 Senate.

18 (2) The Senate Committee on Rules shall appoint one public
19 member.

20 (3) The Speaker of the Assembly shall appoint one public
21 member.

22 (e) From the commencement of appointments and until licenses
23 for advanced alcohol and drug counselors are issued, the Governor
24 shall appoint alcohol and drug addiction counselors certified by
25 a certifying organization recognized by the department.

26 (f) Each member of the board shall be appointed for a term of
27 four years.

28 (1) A member appointed by the Speaker of the Assembly or the
29 Senate Committee on Rules shall hold office until the appointment
30 and qualification of his or her successor or until one year from
31 the expiration date of the term for which he or she was appointed,
32 whichever occurs first.

33 (2) Pursuant to Section 1774 of the Government Code, a member
34 appointed by the Governor shall hold office until the appointment
35 and qualification of his or her successor or until 60 days from the
36 expiration date of the term for which he or she was appointed,
37 whichever occurs first.

38 (g) A vacancy on the board shall be filled by appointment for
39 the unexpired term by the authority who appointed the member
40 whose membership was vacated.

1 (h) Not later than the first of June of each calendar year, the
2 board shall elect a chairperson and a vice chairperson from its
3 membership.

4 (i) Each member of the board shall receive a per diem of one
5 hundred dollars (\$100) for each day actually spent in the discharge
6 of official duties, and shall be reimbursed for traveling and other
7 expenses necessarily incurred in the performance of official duties.
8 The payments in each instance shall be made only from the fund
9 from which the expenses of the agency are paid and shall be subject
10 to the availability of money. Notwithstanding any other provision
11 of law, no public officer or employee shall receive per diem salary
12 compensation for serving on those boards, commissions,
13 committees, or the Consumer Advisory Council on any day when
14 the officer or employee also received compensation for his or her
15 regular public employment.

16 11975.23. (a) The board may appoint an executive officer or
17 enter into a contract for this service. This position is designated
18 as a confidential position and is exempt from civil service under
19 subdivision (e) of Section 4 of Article VII of the California
20 Constitution.

21 (b) The executive officer serves at the pleasure of the board.

22 (c) The executive officer shall exercise the powers and perform
23 the duties delegated by the board and that are vested in him or
24 her by this part.

25 (d) With the approval of the director, the board shall fix the
26 salary of the executive officer.

27 (e) The chairperson of the board may call meetings of the board
28 and any duly appointed committee at a specified time and place.
29 For purposes of this section, "call meetings" means setting the
30 agenda, time, date, or place for any meeting of the board or any
31 committee.

32 11975.25. Subject to the State Civil Service Act (Part 2
33 (commencing with Section 18500) of Division 5 of Title 2 of the
34 Government Code), the board may employ any clerical, technical,
35 and other personnel as it deems necessary to carry out the
36 provisions of this part and the other chapters it administers and
37 enforces, within budget limitations.

38 11975.27. The board shall keep an accurate record of all of
39 its proceedings and a record of all applicants for licensure and
40 all individuals to whom it has issued a license.

11975.28. *The duty of administering and enforcing this part is vested in the board and the executive officer subject to, and under the direction of, the board. In the performance of this duty, the board and the executive officer have all the powers and are subject to all the responsibilities vested in, and imposed upon, the head of a department by Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.*

11975.29. *Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.*

CHAPTER 3. ADMINISTRATION

11975.30. (a) *The board shall administer and enforce this part.*

(b) *The board may enter into an agreement with any governmental agency or other entity, public or private, to administer any portion of this part.*

11975.33. *In order to carry out the provisions of this part, the board shall do, but shall not be limited to doing, all of the following:*

(a) *Adopt rules and regulations as necessary to administer and enforce this part. The adoption, amendment, and repeal of those rules and regulations shall be made in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).*

(b) *Issue licenses and register interns seeking licensure beginning January 1, 2016, to those who meet the qualifications of this part and any regulations adopted pursuant to this part.*

(c) *Take disciplinary action against licensees and registered interns where appropriate, including reprimand or probation, suspension, or revocation of the license, or registration, issuance of administrative citations, or imposition of administrative fines not to exceed five thousand dollars (\$5,000), or any combination of these.*

(d) *Establish continuing education requirements.*

1 (e) Establish procedures for the receipt, investigation, and
2 resolution of complaints.

3 (f) Establish criteria to determine whether the curriculum of an
4 educational institution satisfies the requirements imposed by this
5 part.

6 (g) Establish parameters of unprofessional conduct that are
7 consistent with the uniform code of conduct accepted for the
8 profession.

9 (h) Establish reinstatement procedures for an expired or revoked
10 certificate or license.

11 (i) Establish registration and clinical supervision requirements
12 for registered interns.

13 (j) Adopt one examination for administering to prospective
14 licensees. The test may be administered by the board or by any
15 public or private entity selected by the board.

16 (k) Maintain a database of licensees and registered interns,
17 including the individual's status, any public record of discipline,
18 and other information as the board may require.

19 (l) Establish an advisory committee composed of one or more
20 representatives of consumers, alcohol and drug counselors, alcohol
21 and drug counselor employers, counties, educators, referral
22 sources, and other persons as the board may determine, that shall
23 meet at least two times per year and make recommendations to
24 the board concerning curriculum, criminal background checks,
25 unprofessional conduct, and other matters as the board may refer
26 to the committee.

27
28 CHAPTER 4. QUALIFICATIONS AND REQUIREMENTS FOR
29 LICENSURE AND REGISTRATION
30

31 11975.40. (a) Commencing January 1, 2016, the board shall
32 issue a registration for an advanced alcohol and drug counselor
33 intern (AADCII) who meets all of the following requirements:

34 (1) Possesses an earned master of arts, master of science, or
35 doctorate degree in alcohol and drug counseling, psychology,
36 social work, or other clinically focused major or an equivalent
37 degree recognized by the board, from an institution of higher
38 learning accredited by the Western Association of Schools and
39 Colleges or state or regional accrediting agency approved by the
40 board.

1 (2) Completes 180 clock hours of alcohol and drug specific
2 education approved by the board, including both of the following:

3 (A) Forty hours of education in clinical supervision techniques.

4 (B) Sixty hours of education on operating an independent
5 counseling practice that includes both of the following:

6 (i) Six hours of education in the subject of law and ethics as it
7 relates to a licensee's ability to practice alcohol and drug
8 counseling safely. This education may include, but shall not be
9 limited to, the legal and regulatory aspects of alcohol and drug
10 counseling, dependency treatment, regulatory restrictions,
11 confidentiality, issues surrounding clients' rights, and standards
12 of competency for the practice of alcohol and drug counseling.

13 (ii) Ten hours of education in the recognition of cooccurring
14 disorders, the referral processes, and in determining the most
15 appropriate level of care for the client and the client's eligibility
16 for admission to a particular alcohol and drug treatment program.
17 This includes education in the use of guidelines and placement
18 tools, including, but not limited to, guidelines and
19 recommendations from the Co-Occurring Center for Excellence
20 (COCE) as published by the Substance Abuse and Mental Health
21 Services Administration (SAMHSA), the American Society of
22 Addiction Medicine (ASAM) Patient Placement Criteria, or other
23 validated clinical tools approved by the board.

24 (3) Completes a supervised practicum of no less than 315
25 performance (experience) hours, including a 45-hour practicum,
26 as well as minimum hours in areas specified by the board.

27 (4) Receives a passing score on the exam for licensure
28 designated by the board.

29 (5) Submits to a state and federal level criminal offender record
30 information search and passes both background checks as specified
31 in Section 11975.78.

32 (6) Pays the required fees as set by the board.

33 (7) Completes the application for registration.

34 (b) The board may accept any or all of the hours of education
35 stipulated in Section 11975.45 as part of the education leading to
36 a person's earned master of arts, master of sciences, or doctoral
37 degree.

38 11975.43. Commencing January 1, 2016, and ceasing with the
39 disposition of all completed applications actually received by the
40 board by June 30, 2017, the board shall issue a licensed advanced

1 alcohol and drug counselor (LAADC) license pursuant to
2 subdivision (b) of Section 11975.33 to each person who the board
3 determines is qualified either pursuant to subdivision (a) or (b):

4 (a) A license shall be granted by the board to a certified alcohol
5 and drug counselor who meets all of the following requirements
6 on or before January 1, 2016:

7 (1) Holds a current, valid, advanced alcohol and drug
8 counseling certification or clinical supervision certification issued
9 by a certifying organization recognized by the department on or
10 before January 1, 2016. For the purpose of this subdivision, an
11 “advanced alcohol and drug counseling certification” or “clinical
12 supervision certification” shall include all of the following
13 minimum requirements for purposes of applying for licensure
14 under this section:

15 (A) Documentation of 315 hours of formal instruction in alcohol
16 and drug counseling with a 45-hour classroom practicum course.

17 (B) Documentation of 6,000 hours of work experience as an
18 alcohol and drug counselor.

19 (C) Receipt of a passing score on a test that is sufficient to
20 qualify the applicant for certification.

21 (2) Provides documentation that all of the following specialized
22 education has been completed:

23 (A) Forty hours of education in clinical supervision techniques.

24 (B) Sixty hours of education on operating an independent
25 counseling practice, including both of the following:

26 (C) Six hours of education in the subject of law and ethics as it
27 relates to a licensee’s ability to practice alcohol and drug
28 counseling safely. This education may include, but shall not be
29 limited to, education in the legal and regulatory aspects of alcohol
30 and drug counseling, regulatory restrictions, confidentiality, issues
31 surrounding clients’ rights, and standards of competency for the
32 practice of alcohol and drug counseling.

33 (D) Ten hours of education in the recognition of cooccurring
34 disorders, the referral processes, and in determining the most
35 appropriate level of care for the client and client’s eligibility for
36 admission to a particular alcohol and drug treatment program.
37 This includes education in the use of guidelines and placement
38 tools, including, but not limited to, guidelines and
39 recommendations from the COCE as published by the SAMHSA,

1 *the ASAM Patient Placement Criteria, or other validated clinical*
2 *tools approved by the board.*

3 *(3) Submits to a state and federal level criminal offender record*
4 *information search no later than January 1, 2016, and passes both*
5 *background checks as specified in Section 11975.78.*

6 *(4) Provides documentation of a total of 10,000 hours of*
7 *experience in alcohol and drug abuse counseling.*

8 *(A) Documentation of an associate arts degree may be counted*
9 *for 2,000 experience hours.*

10 *(B) Documentation of a bachelor's degree may be counted for*
11 *4,000 experience hours.*

12 *(C) Documentation of a master's degree may be counted for*
13 *6,000 hours of experience.*

14 *(D) Any degree used in lieu of experience hours is required to*
15 *be substantially related to alcohol and drug counseling.*

16 *(5) Pays the required fees as set by the board.*

17 *(6) Completes the application for a license.*

18 *(b) A license shall be granted by the board to a person licensed*
19 *in the State of California who practices alcohol and drug*
20 *counseling and who meets all of the following requirements on or*
21 *before January 1, 2016:*

22 *(1) Provides documentation to the board that he or she currently*
23 *holds a valid license in the state to practice marriage family*
24 *therapy, psychology, social work, professional counseling, or*
25 *medicine.*

26 *(2) Provides documentation to the board of 6,000 hours of*
27 *experience in providing alcohol and drug counseling services*
28 *directly to patients.*

29 *(3) Pays the required fees as set by the board.*

30 *(4) Completes the application for a license.*

31 *(c) All of the hours of education and experience stipulated in*
32 *Section 11975.45 may be gained as part of the education leading*
33 *to a person's earned master of arts, master of sciences, doctoral*
34 *degree, or certification preparation.*

35 *11975.45. (a) Commencing January 1, 2016, the board shall*
36 *issue a LAADC license pursuant to subdivision (b) of Section*
37 *11975.33 to each person who the board determines meets all of*
38 *the following requirements:*

39 *(1) Possesses an earned master of arts, master of science, or*
40 *doctorate degree in alcohol and drug counseling, psychology,*

1 *social work, or other clinically focused major or an equivalent*
2 *degree recognized by the board, from an institution of higher*
3 *learning accredited by the Western Association of Schools and*
4 *Colleges or an equivalent accrediting agency approved by the*
5 *United States Department of Education.*

6 *(2) Completes 180 clock hours of alcohol and drug specific*
7 *education approved by the board, including both of the following:*

8 *(A) Forty hours of education in clinical supervision techniques.*

9 *(B) Sixty hours of education on operating an independent*
10 *counseling practice, including both of the following:*

11 *(i) Six hours of education in the subject of law and ethics as it*
12 *relates to a licensee's ability to practice alcohol and drug*
13 *counseling safely. This education may include, but shall not be*
14 *limited to, education in the legal and regulatory aspects of alcohol*
15 *and drug counseling, regulatory restrictions, confidentiality, issues*
16 *surrounding clients' rights, and standards of competency for the*
17 *practice of alcohol and drug counseling.*

18 *(ii) Ten hours of education in the recognition of cooccurring*
19 *disorders, the referral processes, and in determining the most*
20 *appropriate level of care for the client and client's eligibility for*
21 *admission to a particular alcohol and drug treatment program.*
22 *This includes education in the use of guidelines and placement*
23 *tools, including, but not limited to, guidelines and*
24 *recommendations from the COCE as published by the SAMHSA,*
25 *the ASAM Patient Placement Criteria, or other validated clinical*
26 *tools approved by the board.*

27 *(3) Completes 315 hours of formal instruction in alcohol and*
28 *drug counseling with a 45-hour classroom practicum course*
29 *offered by a provider approved by the board.*

30 *(4) Submits documentation of 2,000 hours of work experience*
31 *as an alcohol and drug counselor, of which 1,500 hours may be*
32 *substituted by documenting certification in good standing as an*
33 *alcohol and drug counselor as per certification regulations of this*
34 *state.*

35 *(5) Receives a passing score on a nationally recognized exam*
36 *for licensure designated by the board.*

37 *(6) Submits to a state and federal level criminal offender record*
38 *information search and passes both background checks as specified*
39 *in Section 11975.78.*

40 *(7) Pays the required fees as set by the board.*

1 (8) *Completes the application for a license.*

2 (b) *The board may accept any or all of the hours of education*
3 *required by this section as part of the education leading to a*
4 *person's earned master of arts, master of sciences, or doctoral*
5 *degree.*

6 11975.47. (a) *Education, supervised experience, and work*
7 *experience gained outside of California may be accepted toward*
8 *the licensing requirements if it is substantially the equivalent of*
9 *the requirements of this part.*

10 (b) *The board may issue a license to any person who, at the*
11 *time of application, meets all of the following requirements:*

12 (1) *Has held a valid active alcohol and drug counseling license*
13 *or certification issued by a board of alcohol and drug counseling*
14 *examiners or corresponding authority of any state.*

15 (2) *Passes the current applicable examination.*

16 (3) *Pays the required fees.*

17 (4) *Passes the required background check, as specified in*
18 *Section 11975.78.*

19 (5) *Is not subject to denial of licensure under this part.*

20 11975.49. (a) *The supervised experience required in Section*
21 *11975.45 may be gained under the clinical supervision of an*
22 *LAADC, or a licensed health professional specified by the board*
23 *and shall meet all of the following criteria:*

24 *This experience shall consist of all of the following:*

25 (1) *A minimum of 70 percent of the required hours shall be*
26 *face-to-face individual or group counseling provided to clients in*
27 *the context of addiction treatment services.*

28 (2) *A maximum of 30 percent of the required hours may be in*
29 *case management, client-centered advocacy, consultation,*
30 *evaluation, and research.*

31 (3) *The required hours of supervised experience shall be*
32 *obtained over a period of not less than two years and shall have*
33 *been gained within the six years immediately preceding the date*
34 *on which the application for licensure was filed.*

35 (4) *Experience shall not be credited for more than 40 hours in*
36 *any week.*

37 (b) *Prior to the commencement of clinical supervision, a*
38 *supervisor shall comply with all requirements for supervisors as*
39 *established by the board.*

1 (c) (1) A supervisee shall receive an average of at least one
2 hour of direct supervisor contact for every week in which more
3 than 10 hours of face-to-face counseling is performed in each
4 setting where experience is gained.

5 (2) No more than five hours of direct clinical supervision,
6 whether individual or group, shall be credited during any single
7 week.

8 (d) For purposes of this section, “one hour of direct supervisor
9 contact” means one hour of face-to-face contact on an individual
10 basis or two hours of face-to-face contact in a group, of not more
11 than eight persons receiving clinical supervision, addressing the
12 substance of the supervisory plan required in subdivision (d).

13 (e) The supervisor and the supervisee shall develop a
14 supervisory plan that describes the goals and objectives of clinical
15 supervision. These goals shall include the ongoing assessment of
16 strengths and limitations and the assurance of practice in
17 accordance with the laws and regulations.

18 (f) Experience shall be gained only in a setting that meets both
19 of the following requirements:

20 (1) Lawfully and regularly provides alcohol and other drug
21 counseling.

22 (2) Provides oversight to ensure that the supervisee’s work at
23 the setting meets the experience and clinical supervision
24 requirements set forth in this part and is within the scope of
25 practice for the profession as defined in Section 11975.50.

26 (g) Experience shall not be gained prior to becoming a
27 registered intern.

28 (h) A supervisee may be either a paid employee or a volunteer.
29 Employers are encouraged to provide fair remuneration to
30 supervisees.

31 (i) A supervisee shall not receive any remuneration from patients
32 or clients, and shall be paid only by his or her employer. A
33 supervisee shall not have any proprietary interest in the employer’s
34 business.

35 (j) A supervisee may receive clinical supervision from a person
36 not employed by the supervisee’s employer if that person has signed
37 a written agreement with the employer to take supervisory
38 responsibility for the supervisee’s addiction counseling.

1 (k) Notwithstanding any other provision of law, a supervisee
2 shall receive a minimum of one hour of clinical supervision per
3 week for each setting in which he or she is working.

4 (l) The board may limit, by regulation, the number of registered
5 interns that any one supervisor may supervise, the number of
6 registered interns that may be supervised in any given program
7 or setting, and the proportion of the workforce in any given
8 program or setting that may be comprised of registered interns.

9 (m) Programs licensed or certified by the department are not
10 required to adhere to the supervision provisions of this section.
11 Alcohol and drug counselors working or volunteering in licensed
12 or certified facilities may use hours completed while working or
13 volunteering in a facility licensed or certified by the department
14 if the conditions for supervised hours are present at the time of
15 service.

16
17 CHAPTER 5. SCOPE OF PRACTICE
18

19 11975.50. (a) (1) The board shall issue a license or intern
20 registration to each applicant meeting the requirements of this
21 part. That license or registration permits the holder to engage in
22 alcohol and drug counseling as defined in subdivision (c), entitles
23 the holder to use the title of licensed advanced alcohol and drug
24 counselor or advanced alcohol and drug counselor intern, as
25 applicable, and authorizes the holder to hold himself or herself
26 out as qualified to perform the functions delineated by this part,
27 subject to any limitations relating to the level of the license or
28 registration or other conditions that may be imposed by the board.

29 (2) The form and content of the license or registration shall be
30 determined by the board.

31 (b) A licensee or registered intern may perform the acts listed
32 in this section only for the purpose of treating alcohol and drug
33 addiction.

34 (c) (1) For the purposes of this part, “alcohol and drug
35 counseling” means a process involving a psychotherapeutic
36 relationship between a client who is experiencing addiction,
37 dependence, abuse of alcohol or other drugs, or other symptoms
38 that relate to substance use and a counselor or therapist trained
39 to provide that help to address that addiction, dependence, or
40 abuse.

1 (2) *Addiction counseling includes the professional and ethical*
2 *application of basic tasks and responsibilities, including all of the*
3 *following:*

4 (A) *Screening, this is the process by which a client is determined*
5 *to be eligible for admission to a particular alcohol and drug*
6 *treatment program.*

7 (B) *Initial intake, which is the administrative and initial*
8 *assessment procedures for admission to an alcohol and drug*
9 *treatment program. Assessment shall not include psychological*
10 *testing intended to measure or diagnose mental illness.*

11 (C) *Orientation, which is the act of describing to the client the*
12 *general nature and goals of the alcohol and drug treatment*
13 *program, including rules governing client conduct and infractions*
14 *that can lead to disciplinary action or discharge from the program.*

15 (D) *Alcohol and drug abuse counseling, including individual,*
16 *group, and significant others. The utilization of special skills to*
17 *assist individuals, families, or groups in achieving objectives*
18 *through exploration of a problem and its ramifications,*
19 *examination of attitudes and feelings, considerations of alternative*
20 *solutions, and decisionmaking as each relates to substance use.*
21 *Counseling shall be limited to assisting a client in learning more*
22 *about himself or herself for the purposes of understanding how to*
23 *effectuate clearly perceived and realistically defined goals related*
24 *to abstinence. Counseling is limited to assisting the client to learn*
25 *or acquire new skills that will enable the client to cope and adjust*
26 *to life situations without the use of substances.*

27 (E) *Case management, which is the activities that bring services,*
28 *agencies, resources, or individuals together within a planned*
29 *framework of action toward achievement of established goals.*
30 *Case management may involve liaison activities and collateral*
31 *contacts.*

32 (F) *Crisis intervention, which is providing services that respond*
33 *to an alcohol or drug user's needs during acute emotional or*
34 *physical distress, including, but not limited to, referrals for*
35 *assessment of the client's need for additional psychological or*
36 *medical treatment for client behaviors that signal risk or prolonged*
37 *distress.*

38 (G) *Assessment, which is the use of procedures by which a*
39 *counselor or program identifies and evaluates an individual's*

1 *strengths, weaknesses, problems, and needs for the development*
2 *of the alcohol and drug treatment plan.*

3 *(H) Treatment planning, which is the process by which the*
4 *counselor and the client identify and rank problems needing*
5 *resolution, establish agreed-upon immediate and long-term goals,*
6 *and decide on a treatment process and the resources to be utilized.*

7 *(I) Client education, which is providing information to*
8 *individuals and groups concerning alcohol and drug use and the*
9 *services and resources available.*

10 *(J) Referral, which is identifying the needs of the client that*
11 *cannot be met by the counselor or agency, as well as assisting the*
12 *client in utilizing the support systems and community resources*
13 *available.*

14 *(K) Reports and recordkeeping, which is the documentation of*
15 *the client's progress in achieving his or her goals.*

16 *(L) Consultation with other professionals with regard to client*
17 *treatment or services and communicating with other professionals*
18 *to ensure comprehensive, quality care for the client.*

19 *11975.53. Alcohol and drug counseling includes understanding*
20 *and application of the limits of the counselor's own qualifications*
21 *and scope of practice, including, but not limited to, screening and,*
22 *as indicated, referral to or consultation with an appropriately*
23 *licensed health practitioner consistent with the client's needs.*
24 *Every licensee who operates an independent counseling practice*
25 *shall refer any client assessed as needing the services of another*
26 *licensed professional to that professional in a timely manner.*

27 *11975.55. Provided that this exception does not preclude the*
28 *board from considering any conduct in any setting in its*
29 *determination of fitness for registration or licensure or in any*
30 *disciplinary matter, this part shall not apply to any of the following:*

31 *(a) A person who engages in the practice of alcohol and drug*
32 *counseling exclusively for any of the following:*

33 *(1) In-custody services of the Department of Corrections and*
34 *Rehabilitation.*

35 *(2) As an employee or volunteer of the State of California.*

36 *(3) As an employee or volunteer of an agency of the government*
37 *of the United States.*

38 *(b) A person who is an unpaid member of a peer or self-help*
39 *group who performs peer group or self-help activities if the person*

1 *does not use a title stating or implying that he or she is a licensed*
2 *or certified alcohol and drug counselor or registered intern.*

3 *(c) A cleric or other religious leader who provides spiritual*
4 *advice and guidance to members of his or her congregation or*
5 *order, or to other persons, if it is free of charge.*

6 *(d) A director, officer, or staff member of a program described*
7 *in Section 8001 of the Penal Code.*

8 *11975.57. Nothing in this part shall be construed to constrict,*
9 *limit, or withdraw the Medical Practice Act (Chapter 5*
10 *(commencing with Section 2000)) of, the Nursing Practice Act*
11 *(Chapter 6 (commencing with Section 2700)) of, the Psychology*
12 *Licensing Act (Chapter 6.6 (commencing with Section 2900)) of,*
13 *the Licensed Marriage and Family Therapist Act (Chapter 13*
14 *(commencing with Section 4980)) of, the Clinical Social Worker*
15 *Practice Act (Chapter 14 (commencing with Section 4991)) of, or*
16 *the Licensed Professional Clinical Counselor Act (Chapter 16*
17 *(commencing with Section 4999.10)) of, Division 2 of the Business*
18 *and Professions Code.*

19 *11975.58. A person who has received a registration or license*
20 *under this part may use the title “advanced alcohol and drug*
21 *counselor intern” or “AADCI,” or “licensed advanced alcohol*
22 *and drug counselor” or “LAADC,” in accordance with the type*
23 *of registration or license possessed. Every person who styles*
24 *himself or herself or who holds himself or herself out to be an*
25 *AADCI or LAADC, without holding a license or registration in*
26 *good standing under this part, is guilty of a misdemeanor.*

27 *11975.59. (a) It is unlawful for a person to engage in the*
28 *practice of alcohol and drug counseling outside of a licensed or*
29 *certified alcohol and drug treatment facility, unless at the time of*
30 *so doing, the person holds a valid, unexpired, and unrevoked*
31 *license or registration under this part.*

32 *(b) This section shall become operative on January 1, 2017.*

33
34 *CHAPTER 6. LICENSES AND RENEWALS*
35

36 *11975.60. (a) Licenses or registrations issued under this part*
37 *shall expire within two years after the issue date. The expiration*
38 *date of the original license or registration shall be set by the board.*

1 ***(b) To renew an unexpired license or registration, the licensee***
2 ***or registered intern shall, on or before the expiration date of the***
3 ***license or registration, complete the following actions:***

- 4 ***(1) Apply for a renewal on a form prescribed by the board.***
5 ***(2) Pay a two-year renewal fee prescribed by the board.***
6 ***(3) Complete at least 60 hours of continuing education, as***
7 ***approved by the board.***
8 ***(4) Notify the board whether he or she has been convicted of a***
9 ***misdemeanor or felony, or whether any disciplinary action has***
10 ***been taken by any regulatory or licensing board in this or any***
11 ***other state, subsequent to the licensee or registered intern's last***
12 ***renewal.***

13 ***(c) To renew an expired license or registration within three***
14 ***years of its expiration, the licensee or registered intern shall, as***
15 ***a condition precedent to renewal, do all of the following:***

- 16 ***(1) Apply for renewal on a form prescribed by the board within***
17 ***three years of the expiration date of the license.***
18 ***(2) Pay the renewal fees that would have been paid if the license***
19 ***or registration had not been delinquent.***
20 ***(3) Pay all delinquency fees.***
21 ***(4) Complete the applicable continuing education requirements.***
22 ***(5) Notify the board whether he or she has been subject to, or***
23 ***whether another department or board has taken, disciplinary action***
24 ***since the last renewal.***

25 ***(d) The department shall adopt regulations to allow for the***
26 ***reinstatement of a license or registration that is not renewed within***
27 ***three years after its expiration.***

28 ***11975.63. (a) A licensed advanced alcohol and drug counselor***
29 ***shall display his or her license in a conspicuous place at the***
30 ***primary place of his or her business.***

31 ***(b) The current renewal receipt shall be displayed near the***
32 ***license.***

33 ***11975.65. A licensed advanced alcohol and drug counselor***
34 ***who conducts a private practice under a fictitious business name***
35 ***shall not use a name that is false, misleading, or deceptive, and***
36 ***shall inform the patient, prior to the commencement of treatment,***
37 ***of the name and license designation of the owner or owners of the***
38 ***practice.***

39 ***11975.67. A suspended license is subject to expiration and may***
40 ***be renewed as provided in this part, but the renewal does not entitle***

1 *the licensee, while the licensee remains suspended and until the*
2 *licensee is reinstated, to engage in the activity to which the license*
3 *relates, or in any other activity or conduct in violation of the order*
4 *or judgment by which it was suspended.*

5 *11975.68. (a) A licensed advanced alcohol and drug counselor*
6 *may apply to the board to request that his or her license be placed*
7 *on inactive status.*

8 *(b) A person who holds an inactive license shall pay a biennial*
9 *fee of one-half of the active renewal fee and shall be exempt from*
10 *continuing education requirements specified in paragraph (3) of*
11 *subdivision (b) of Section 11975.60, but shall otherwise be subject*
12 *to this part and shall not engage in the practice of alcohol and*
13 *drug counseling in this state.*

14 *(c) A person on inactive status who has not committed any acts*
15 *or crimes constituting grounds for denial of licensure or*
16 *registration may, upon his or her request, have his or her license*
17 *to practice alcohol and drug counseling placed on active status.*

18 *(d) A person requesting his or her license to be placed on active*
19 *status at any time during a renewal cycle shall pay a pro rata*
20 *portion of the renewal fees.*

21 *(e) A person requesting to have his or her license be placed on*
22 *active status whose license expires less than one year from the*
23 *date of the request shall be required to complete 20 hours of*
24 *continuing education for license renewal.*

25 *(f) A person requesting his or her license to be placed on active*
26 *status whose license expires more than one year from the date of*
27 *the request shall be required to complete 40 hours of continuing*
28 *education for license renewal.*

29 *11975.69. A person licensed or registered under this part shall*
30 *comply with both of the following:*

31 *(a) Provide written notice to the board within 30 days of any*
32 *change of address.*

33 *(b) Provide written notice to the board within 30 days of a name*
34 *change giving both the old and the new names along with a copy*
35 *of the legal document authorizing the name change, including, but*
36 *not limited to, a court order or marriage license.*

CHAPTER 7. DENIAL, SUSPENSION, REVOCATION

11975.70. The board may deny an application or may revoke, suspend, or impose conditions upon a license or the intern registration for unprofessional conduct. Unprofessional conduct, includes, but is not limited to, any of the following:

(a) Securing an intern registration, license, or renewal by fraud, deceit, or misrepresentation on any application or material in support of any application for intern registration, licensure, or renewal.

(b) Misrepresenting the type or status of intern registration or licensure held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person, program, or entity.

(c) Refusal or failure to provide proper identification as a licensee or registered intern where appropriate or required, such as when offering or providing alcohol and drug counseling services, on business cards, or on informational or marketing materials.

(d) Advertising, marketing, or promoting programs, services, training, education, or experience in a false and misleading manner, as set forth in Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions.

(e) Engaging in inappropriate social relationships, sexual relations, or soliciting sexual relations with a client or with a former client within two years from the termination date of the counseling relationship.

(f) Committing an act of sexual abuse, misconduct, or an act punishable as a sexually related crime.

(g) Engaging in a business relationship with clients, patients, program participants, residents, or other persons significant to them within one year from the termination of the counseling relationship.

(h) Physically, verbally, or sexually harassing, threatening, or abusing other staff members, clients, patients, program participants, residents, or other persons significant to any of those persons.

(i) Unlawfully administering to himself or herself any controlled substance as defined in Section 4021 of the Business and

1 *Professions Code or using any of the dangerous drugs or devices*
2 *specified in Section 4022 of the Business and Professions Code,*
3 *or using any alcoholic beverage to the extent, or in a manner, as*
4 *to be dangerous or injurious to the person holding or applying for*
5 *intern registration or licensure or to any other person, or to the*
6 *public.*

7 *(j) Violating patient or client confidentiality except as required*
8 *or permitted by law, including, but not limited to, Subparts A to*
9 *E, inclusive, of Part 2 of Subchapter A of Chapter 1 of Title 42*
10 *Code of Federal Regulations, and child abuse, elder abuse, and*
11 *public safety laws and regulations.*

12 *(k) Failing to maintain records consistent with the nature of the*
13 *services being rendered.*

14 *(l) Refusing or denying patient or client access to charts and*
15 *records as required by law.*

16 *(m) Violating, attempting to violate, or conspiring to violate*
17 *any law or regulation governing licensed advanced alcohol and*
18 *drug counselors and registered interns.*

19 *(n) Failure to comply with the child abuse reporting*
20 *requirements of Section 11166 of the Penal Code.*

21 *(o) Failure to comply with the elder and dependent adult abuse*
22 *reporting requirements of Section 15630 of the Welfare and*
23 *Institutions Code.*

24 *11975.71. The board shall revoke a license or the registration*
25 *of an intern issued under this part upon a decision made in*
26 *accordance with the procedures set forth in the adjudication*
27 *provisions of the Administrative Procedure Act (Chapter 5*
28 *(commencing with Section 11500) of Part 1 of Division 3 of Title*
29 *2 of the Government Code) that contains any finding of fact that*
30 *the licensee or registered intern engaged in any act of sexual*
31 *contact, as defined in Section 729 of the Business and Professions*
32 *Code, when that act is with a client, or with a former client when*
33 *the relationship was terminated primarily for the purpose of*
34 *engaging in that act. The revocation shall not be stayed by the*
35 *administrative law judge or the board.*

36 *11975.72. The board may deny an application, or may revoke*
37 *or suspend a license or intern registration issued under this part,*
38 *for a denial of licensure, revocation, suspension, restriction, or*
39 *other disciplinary action imposed by another state or territory of*
40 *the United States, or by any other governmental agency, on a*

1 *license or registration to practice alcohol and other drug*
2 *counseling or other healing art. A certified copy of the disciplinary*
3 *action decision or judgment shall be conclusive evidence of that*
4 *action.*

5 *11975.73. (a) The chairperson may temporarily suspend a*
6 *license or intern registration prior to a hearing when, in the*
7 *opinion of the chairperson, the action is necessary to protect the*
8 *public or a client from physical or mental abuse, abandonment,*
9 *or other substantial threat to health or safety.*

10 *(b) The chairperson shall give notice of the temporary*
11 *suspension and the effective date of the temporary suspension and,*
12 *at the same time, shall serve an accusation.*

13 *(c) Upon receipt of a notice of defense to the accusation, the*
14 *chairperson shall, within 15 days, set the matter for hearing, and*
15 *the hearing shall be held as soon as possible. The temporary*
16 *suspension shall remain in effect until the time the hearing is*
17 *completed and the chairperson has made a final determination on*
18 *the need for the temporary suspension to remain in place pending*
19 *resolution of the accusation.*

20 *(d) The temporary suspension shall be deemed vacated if the*
21 *chairperson fails to make a final determination on the merits within*
22 *30 days after the hearing, if the chairperson hears the matter*
23 *personally, or within 30 days after the board receives the proposed*
24 *decision from the Office of Administrative Hearings, or if the*
25 *matter is heard by a hearing officer selected by the board.*

26 *11975.74. (a) A person who has applied for or received a*
27 *license or intern registration from the board under this part has*
28 *the right to appeal an adverse decision of the board with regard*
29 *to his or her application, license, or registration.*

30 *(b) Unless the board specifies additional or different due process*
31 *provisions by regulation, an appeal shall be determined in*
32 *accordance with the adjudication provisions of the Administrative*
33 *Procedure Act (Chapter 5 (commencing with Section 11500) of*
34 *Part 1 of Division 3 of Title 2 of the Government Code).*

35 *11975.75. The board may impose reasonable terms, conditions,*
36 *or restrictions on a disciplinary action to protect the health, safety,*
37 *and welfare of the public.*

38 *11975.76. A person may request reinstatement of a license or*
39 *intern registration or a reduction of discipline, by applying for*

1 *reinstatement or reduction pursuant to Section 11522 of the*
2 *Government Code.*

3 *11975.77. (a) An applicant who fails an examination*
4 *administered by or on behalf of the board may within one year*
5 *from the notification date of failure retake that examination at the*
6 *next regularly scheduled examination date, without further*
7 *application, upon payment of the required examination fees.*

8 *(b) Thereafter, the applicant shall not be eligible for further*
9 *examination until he or she files a new application, meets all*
10 *current requirements, and pays all required fees.*

11 *11975.78. (a) An applicant for a license or intern registration*
12 *shall consent to a state and federal level criminal offender record*
13 *information search as part of a criminal history background check.*
14 *Refusal to consent to the criminal history background check, as*
15 *delineated in this section, shall result in denial of the license or*
16 *registration.*

17 *(b) The following procedure shall be followed for criminal*
18 *offender record information searches:*

19 *(1) The board shall submit to the Department of Justice*
20 *fingerprint images and related information required by the*
21 *Department of Justice of all advanced alcohol and drug counselor*
22 *licensure or advanced alcohol and drug counselor intern*
23 *registration applicants, as defined by Section 11975.13, to obtain*
24 *information as to the existence and content of a record of state or*
25 *federal convictions, state or federal arrests, and the existence and*
26 *content of a record of state or federal arrests for which the*
27 *Department of Justice establishes that the person is free on bail*
28 *or on his or her own recognizance pending trial or appeal.*

29 *(2) When received, the Department of Justice shall forward the*
30 *relevant information to the Federal Bureau of Investigation and*
31 *requests for federal summary criminal history information received*
32 *pursuant to this section. The Department of Justice shall review*
33 *the information returned from the Federal Bureau of Investigation*
34 *and compile and disseminate a response to the board.*

35 *(3) The Department of Justice shall provide a response to the*
36 *board pursuant to paragraph (1) of subdivision (p) of Section*
37 *11105 of the Penal Code.*

38 *(4) The board shall request from the Department of Justice*
39 *subsequent arrest notification service, as provided pursuant to*

1 *Section 11105.2 of the Penal Code, for persons described in*
2 *paragraph (1).*

3 *(5) The Department of Justice shall charge fees sufficient to*
4 *cover the cost of processing the request described in this section.*
5 *The applicant shall be responsible for payment of these fees.*

6 *(6) The applicant shall pay the fingerprint image rolling and*
7 *electronic submission fee charged by the live scan device operator.*

8 *(c) Before issuing a license or registration, the board shall*
9 *ensure that the state and federal level criminal history of the*
10 *applicant is reviewed.*

11 *(d) The board shall deny or revoke a person's license or*
12 *registration if, at the time of the board's determination, the person*
13 *meets one or more of the following criteria:*

14 *(1) He or she has been convicted of five or more criminal*
15 *offenses within a 30-month period ending two years or less prior*
16 *to the date of the board's determination.*

17 *(2) He or she is required to register as a sex offender pursuant*
18 *to Section 290 of the Penal Code.*

19 *(3) (A) Subject to subdivisions (b) and (c), he or she has been*
20 *convicted of a violent felony, as defined in Section 667.5 of the*
21 *Penal Code, within three years prior to the date of the board's*
22 *determination.*

23 *(B) After the expiration of three years from the date of*
24 *conviction, if a person described in subparagraph (A) is on parole,*
25 *he or she may be licensed or registered, if the board receives the*
26 *written approval of his or her parole officer or the Board of Parole*
27 *Hearings, as the Board of Parole Hearings may provide. The*
28 *written approval may be withdrawn by the Board of Parole*
29 *Hearings upon written notice to the licensee, registered intern, or*
30 *parolee and to the board. In the event of withdrawal of the*
31 *approval, the licensee, registered intern, or parolee's licensure*
32 *or registration shall be revoked by the board upon receipt by the*
33 *board of the notice, without further recourse against the board.*
34 *The Board of Parole Hearings shall set the procedure for review*
35 *of the withdrawal of approval. If the approval is reinstated, the*
36 *board shall reinstate the licensee, registered intern, or parolee if*
37 *he or she is otherwise eligible for reinstatement under this part*
38 *and complies with all applicable requirements.*

1 (C) *The provisions of subparagraph (B) shall also apply to a*
2 *person convicted of a crime that the board determines is*
3 *substantially related to the practice of alcohol and drug counseling.*

4 (D) *The board may establish by regulation additional criteria*
5 *to implement subdivision (d), which may include, but not be limited*
6 *to, standards, exemptions, and terms of rehabilitation, and may*
7 *include rebuttable presumptions with regard to any of those.*

8 11975.79. (a) *Except as otherwise provided in this part, an*
9 *accusation filed pursuant to Section 11503 of the Government*
10 *Code against a person licensed or registered under this part shall*
11 *be filed within three years from the date the board discovers the*
12 *alleged act or omission that is the basis for disciplinary action or*
13 *within seven years from the date the alleged act or omission that*
14 *is the basis for disciplinary action occurred, whichever occurs*
15 *first.*

16 (b) *An accusation filed against a person licensed or registered*
17 *alleging the procurement of a license or registration by fraud or*
18 *misrepresentation is not subject to the limitations set forth in*
19 *subdivision (a).*

20 (c) *An accusation alleging sexual misconduct shall be filed*
21 *within three years after the board discovers the act or omission*
22 *alleged as the grounds for disciplinary action or within 10 years*
23 *after the act or omission alleged as the grounds for disciplinary*
24 *action occurred, whichever occurs first.*

25 (d) *If an alleged act or omission involves a minor, the seven-year*
26 *limitation period provided for by subdivision (a) and the 10-year*
27 *limitation period provided for by subdivision (d) shall be tolled*
28 *until the minor reaches the age of majority.*

29 (e) *The limitation period provided by subdivision (a) shall be*
30 *tolled during any period if material evidence necessary for*
31 *prosecuting or determining whether a disciplinary action would*
32 *be appropriate is unavailable to the board due to an ongoing*
33 *criminal investigation.*

34 (f) *For purposes of this section, “discovers” means the latest*
35 *occurrence of any of the following with respect to each act or*
36 *omission alleged as the basis for disciplinary action:*

37 (1) *The date the board received a complaint or report describing*
38 *the act or omission.*

39 (2) *The date, subsequent to the original complaint or report,*
40 *on which the board became aware of additional acts or omissions*

1 *alleged as the basis for disciplinary action against the same*
2 *individual.*

3 *(3) The date the board receives from the complainant a written*
4 *release of information pertaining to the complainant's diagnosis*
5 *and treatment.*

6 *11975.795. (a) Nothing in this part shall apply to any alcohol*
7 *and drug counselor from outside this state, when in actual*
8 *consultation with a licensed practitioner of this state, or when an*
9 *invited guest of a professional association or educational institution*
10 *for the sole purpose of engaging in professional education through*
11 *lectures, clinics, or demonstrations, if he or she is at the time of*
12 *the consultation, lecture, or demonstration licensed to practice*
13 *alcohol and drug counseling in the state or country in which he*
14 *or she resides.*

15 *(b) These alcohol and drug counselors shall not open an office*
16 *or appoint a place to meet clients or receive calls from clients*
17 *within the limits of this state.*

18
19 *CHAPTER 8. FISCAL PROVISIONS*
20

21 *11975.80. (a) The Advanced Alcohol and Drug Counselors*
22 *License Fund is hereby established in the State Treasury. All fees*
23 *and fines collected by the board in accordance with this part shall*
24 *be deposited in this fund.*

25 *(b) The moneys in the fund shall be available, upon*
26 *appropriation by the Legislature, for the purpose of supporting*
27 *the licensing and intern registration activities of the board.*

28 *11975.83. (a) Until the board establishes different fees by*
29 *regulation, the board shall assess the following fees relating to*
30 *the licensure of advanced alcohol and drug counselors and the*
31 *registration of advanced alcohol and drug counselor interns:*

32 *(1) The application fee for an initial registration shall be*
33 *seventy-five dollars (\$75).*

34 *(2) The fee for renewal of a registration shall be seventy-five*
35 *dollars (\$75).*

36 *(3) The fee for a written examination administered by the board*
37 *shall be one hundred fifty dollars (\$150). The fee for an*
38 *examination administered on behalf of the board shall not exceed*
39 *more than 125 percent of the standard examination fee assessed*
40 *by the testing company.*

1 (A) An applicant who fails to appear for an examination, after
2 having been scheduled to take the examination, shall forfeit the
3 examination fee.

4 (B) This subdivision shall not establish or limit the examination
5 fee charged for the examination recognized in subdivision (a) of
6 Section 11975.45 or any other examination that is recognized by
7 the board but not administered by or on behalf of the board.

8 (4) The fee for issuance of an initial license shall be one hundred
9 fifty-five dollars (\$155).

10 (5) The fee for a license renewal shall be one hundred fifty-five
11 dollars (\$155).

12 (6) The fee for an inactive license renewal shall be seventy-seven
13 dollars and fifty cents (\$77.50).

14 (7) The renewal delinquency fee shall be seventy-five dollars
15 (\$75). A person who permits his or her license to expire is subject
16 to the delinquency fee.

17 (8) The fee for issuance of a replacement registration or license
18 shall be twenty dollars (\$20).

19 (9) The fee for issuance of a certificate or letter of good standing
20 shall be twenty-five dollars (\$25).

21 (10) The fee for board review of the criminal records
22 information shall be thirty dollars (\$30).

23 (11) The fee for the state level criminal offender record
24 information search shall be set by the Department of Justice and
25 the fee for the federal level criminal offender record information
26 search shall be set by the Federal Bureau of Investigation.

27 (b) The board may establish fees for other categories as
28 necessary, however, the total fees collected by the board pursuant
29 to this part shall not exceed the reasonable cost to the board for
30 administering this part. The fees described in subdivision (a) shall
31 not exceed the reasonable costs to the board for administering this
32 part.

33 (c) The startup funds to implement this part shall be derived,
34 as a loan, from the reserve of the fund, upon appropriation by the
35 Legislature, and the board is not required to implement this part
36 until those funds are appropriated.

37 SEC. 2. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 *infraction, eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section 17556 of*
3 *the Government Code, or changes the definition of a crime within*
4 *the meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

6 ~~SECTION 1. Division 10.11 (commencing with Section~~
7 ~~11999.40) is added to the Health and Safety Code, to read:~~

8
9 ~~DIVISION 10.11. ALCOHOL AND OTHER DRUG~~
10 ~~COUNSELORS~~
11

12 ~~11999.40. For purposes of this division, the following~~
13 ~~definitions apply:~~

14 ~~(a) "AOD counselor" means a person registered or certified as~~
15 ~~an alcohol or other drug counselor by an approved certifying~~
16 ~~organization.~~

17 ~~(b) "Approved certifying organization" means an organization~~
18 ~~that the department has approved to register or certify AOD~~
19 ~~counselors.~~

20 ~~(c) "Department" means the State Department of Health Care~~
21 ~~Services.~~

22 ~~(d) "Director" means the Director of Health Care Services.~~

23 ~~11999.41. (a) Commencing January 1, 2015, the department~~
24 ~~shall require approved certifying organizations to require each~~
25 ~~person who applies to become registered or certified as an AOD~~
26 ~~counselor and any AOD counselor who is registered or certified~~
27 ~~as an AOD counselor as of January 1, 2015, to submit fingerprint~~
28 ~~images via Live Scan for purposes of obtaining a criminal~~
29 ~~background check under this section.~~

30 ~~(b) For persons described in subdivision (a), the department~~
31 ~~shall electronically submit to the Department of Justice fingerprint~~
32 ~~images and related information required by the Department of~~
33 ~~Justice for the purpose of obtaining both of the following:~~

34 ~~(1) The existence and content of a record of state or federal~~
35 ~~convictions and state or federal arrests.~~

36 ~~(2) Information as to the existence and content of a record of~~
37 ~~state or federal arrests for which the Department of Justice~~
38 ~~establishes that the person is free on bail or on his or her~~
39 ~~recognizance pending trial or appeal.~~

~~(c) The Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this section. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the department.~~

~~(d) The Department of Justice shall provide a state or federal response to the department pursuant to subdivision (p) of Section 11105 of the Penal Code.~~

~~(e) The department shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in subdivision (a).~~

~~(f) The Department of Justice shall charge the subject of the criminal background check a reasonable fee sufficient to cover the cost to the Department of Justice of processing the requests described in this section.~~

~~(g) (1) For persons described in subdivision (a), the department shall review all criminal background information received from the Department of Justice and determine, based on the regulations developed pursuant to subdivision (a) of Section 11999.42, whether to deny an application or revoke a registration or certification based on the criminal background information. The department shall notify the individual's certifying organization of the department's determination.~~

~~(2) The department may deny or revoke a registration or certification pursuant to this subdivision only if the conviction of a crime is substantially related to the qualifications, functions, or duties of a registered or certified AOD counselor.~~

~~(3) The department shall not deny or revoke a registration or certification pursuant to this subdivision solely on the basis of convictions stemming from prior use of drugs or alcohol, provided the individual meets the terms of rehabilitation established in regulations developed pursuant to subdivision (a) of Section 11999.42.~~

~~(h) An applicant or AOD counselor whose application is denied or whose registration or certification is revoked pursuant to subdivision (g) shall have the right to appeal the denial or revocation in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.~~

1 ~~(i) The department shall establish a reasonable application fee~~
2 ~~to be charged to the certifying organization for each applicant or~~
3 ~~AOD counselor requesting a background check pursuant to this~~
4 ~~section. The department shall set the fee at an amount that is~~
5 ~~sufficient to cover, but shall not exceed, the actual reasonable costs~~
6 ~~of administering this division.~~

7 ~~(j) The Alcohol and Other Drug Counselor Professions Fund is~~
8 ~~hereby created in the State Treasury, to be administered by the~~
9 ~~department. The fund shall consist of the fees specified in~~
10 ~~subdivision (i). Moneys in the fund shall be available, upon~~
11 ~~appropriation, for the purposes specified in subdivision (i).~~

12 ~~11999.42. (a) By September 1, 2014, the department shall~~
13 ~~adopt regulations to implement this division, which shall include,~~
14 ~~but are not limited to, individualized assessment standards,~~
15 ~~exemptions, and terms of rehabilitation for eligibility to become~~
16 ~~or to continue to be registered or certified as an AOD counselor,~~
17 ~~including rebuttable presumptions with respect to the acceptance~~
18 ~~or rejection of an applicant or an AOD counselor with a prior~~
19 ~~criminal conviction.~~

20 ~~(b) In adopting regulations pursuant to this section, the~~
21 ~~department shall convene and consult a stakeholder's group to~~
22 ~~advise the department on the development of criteria for baseline~~
23 ~~decisions regarding AOD counselors, as these decisions relate to~~
24 ~~criminal background checks and to make recommendations to the~~
25 ~~department regarding criteria for disciplinary guidelines.~~

26 ~~(c) The regulations described in subdivision (a) may be adopted~~
27 ~~as emergency regulations. The adoption of these regulations is~~
28 ~~deemed to address an emergency and to be necessary for the~~
29 ~~immediate preservation of the public peace, health, safety, or~~
30 ~~general welfare. Emergency regulations authorized by this~~
31 ~~subdivision shall be exempt from review by the Office of~~
32 ~~Administrative Law. However, the department shall transmit those~~
33 ~~regulations to the Office of Administrative Law for filing with the~~
34 ~~Secretary of State and publication in the California Code of~~
35 ~~Regulations. Notwithstanding any other law, for purposes of~~
36 ~~subdivision (c) of Section 11346.1 of the Government Code, the~~
37 ~~180-day period, as applicable to the effective period of an~~
38 ~~emergency regulatory action and submission of specified materials~~
39 ~~to the Office of Administrative Law, is hereby extended to one~~

1 year, by which time the department shall have adopted permanent
2 regulations.

3 ~~11999.43. An approved certifying organization shall do all of~~
4 ~~the following:~~

5 ~~(a) Report complaints made against an AOD counselor to the~~
6 ~~department, and assist in documenting these complaints.~~

7 ~~(b) Comply with the department's decisions regarding~~
8 ~~disciplinary actions, including initial denial of a registration or~~
9 ~~certification.~~

10 ~~(c) Report any known criminal convictions of an AOD counselor~~
11 ~~to the department.~~

12 ~~11999.44. The department shall report any complaints made~~
13 ~~to the department against an AOD counselor to the approved~~
14 ~~certifying organization that conferred the individual's registration~~
15 ~~or certification and assist that organization in documenting the~~
16 ~~complaint.~~